Elvira might have been hopeful—or scared out of her mind. She well understood that Alabama law could reduce her to a single line on a property inventory—age seventeen, “light-complexioned,” valued at $1,200—much sooner than name her the legal heir of one of the wealthiest cotton planters in the state.¹ But whatever the emotions churning inside her, the enslaved seventeen-year-old girl would certainly have been the first to know and the first to send the news on its way down the tangled branches of Townsend family tree: Samuel Townsend was writing a will.

When Samuel Townsend brought his attorney, S. D. Cabaniss, to the Madison County plantation he called the “Home Place” in September 1853, Samuel swore the Huntsville lawyer to strict secrecy. After a number of white nieces and nephews succeeded in voiding the will of Samuel’s brother Edmund, who had attempted to leave $500,000 worth of land and property to two enslaved daughters, Samuel could take no risks: his eight plantations were valued at $200,000, and he had nine children to provide for, all of them his slaves. To protect the interests of these potential heirs, Samuel guarded the provisions of his will assiduously, warning Cabaniss not to speak of the nature of his work with even his co-partner at the legal firm.² Until Samuel Townsend’s death three years later, on 19 November 1856, no one could know that the unmarried Madison County gentleman planned to emancipate and then will his estate to five

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¹ For a delineated Townsend family tree, see the Appendix, pages 26 and 27
² S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
sons, four daughters, two mixed-race nieces, and his last in a long line of enslaved mistresses—teenaged Elvira.

Elvira may have mixed drinks for Samuel and his bewildered guest Cabaniss in September 1853, served them dinner, or pressed her ear to the door of his study. As Samuel’s housekeeper—and more than housekeeper—the young woman had access to information. And Elvira could have been acquainted with S. D. Cabaniss already. In 1851 Samuel hired the Brickell and Cabaniss firm to represent two of his enslaved sons, arraigned on a criminal charge, providing an opportunity for the wealthy attorney and the young enslaved woman to meet, if only briefly. Even if she had not overheard the two men discussing the content and provisions of Townsend’s last will and testament, Elvira could have easily surmised the character of these secret meetings from the lawyer’s very presence and the recent tumult over the Edmund Townsend will. Just as likely, the young woman may have exerted what little influence she had on the proceedings herself—tellingly, in the earliest draft of the will Samuel Townsend bequeathed an additional five thousand dollars to Elvira above her twelve thousand dollar portion of the estate, more than any of his children or former sexual partners received. With access to information kept secret even from Samuel’s white relatives, and in her role as Samuel’s sexual partner, Elvira, more than anyone, was in a position to influence Samuel Townsend’s will—the additional bequest was quite possibly made at her instigation.

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3 S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
4 Samuel Townsend, will dated September 10, 1853.
5 Bernie Jones briefly touches on the interplay between abuse and influence in her introduction *Fathers of Conscience*: “It remains beyond our knowledge whether the women gained power through their sexual contacts with the men. In testimony in which the enslaved women beneficiaries were seen as powerful jezebels, whites presumed that the women had a certain level of agency to coerce the men without having to acknowledge that sexual access was no guarantee of power…” Elvira was one of those women branded a “jezebel” when Samuel
In spidery black ink, Samuel Townsend signed a promise to his unorthodox, unfree family—that after his death, they should live the rest of their lives in freedom, and have as their livelihood a portion of the immense wealth their labor helped to build. But his word was fragile: after what had happened to his brother Edmund’s will, Samuel Townsend as well as his mistresses and their children would have known that a promise made to a slave, even one couched in legal terms, could easily be no promise at all. Vulnerability defined the nature of the Townsend heirs’ existence, particularly that of the Townsend women. Along with hope and fear, perhaps Elvira felt disgust as Samuel Townsend penned her name into his will beside the sum of seventeen thousand dollars—money that could compensate for years of a sexual relationship of a humiliating or coercive nature. Just a decade before, Elvira’s mother, already married, had given birth to one of Samuel Townsend’s sons after a sexual relationship much like her daughter’s. In 1853, as the Townsend heirs’ future lay in a paper envelope soon to be locked in Samuel Townsend’s bank vault, Elvira may have attempted to steer her fate by influencing her dying master’s last wishes. Meanwhile, as Elvira tried to keep her head, her mother Hannah’s perhaps spun with a nauseating déjà vu—she would know better than anyone the tenuous nature of opportunity arising from a relationship with the cotton planter Samuel.

Townsend’s will was contested in court. Certainly sexual contact was no “guarantee of power,” it did provide a unique opportunity for influence. Jones, Bernie D. Fathers of Conscience: Mixed-Race Inheritance in the Antebellum South (Studies in the Legal History of the South). Athens, GA: University of Georgia Press, 2009. A central issue here is whether enslaved women could consent to a sexual relationship with their master, as he always had the power to coerce. Further complicating the situation, an enslaved women’s home and work life overlapped. Was such a relationship sexual abuse, sexual labor, or both? Davis, Adrienne D. “Slavey and the Roots of Sexual Harassment,” Directions in Sexual Harassment Law. New Haven: Yale University Press, 2004. S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.
Plantation life in the nineteenth century constituted a “double oppression” for enslaved women—they were property under the law in all cases, and sexual objects under a white master’s roof in many. What protections society offered white women were denied to enslaved women such as Elvira. Even the lines dividing culturally-acceptable gender roles tangled in the mechanisms of slavery. A white slaveholding woman’s responsibilities centered on her roles as a wife and mother; her daily activities revolved around these personal relationships, as well as her relationship with a man who was a master in his own roles as husband and father. The parameters of an enslaved woman were in some ways similar—she could have children and a husband, and she too had a master. Her life, as well, was circumscribed by personal relationships. In her case, however, the gender hierarchy was reinforced and compounded by the law and the institution of slavery: her children could be sold away from her, her husband could not protect her, her master was not family, and his sexual demands had no limits.

But enslaved women were multidimensional individuals, and the fact that they suffered personal and sexual victimization does not mean they did not actively work to make their lives bearable. The Townsend women of color endured sexual abuse, but may have seen opportunities for social and economic advancement in their proximity to Samuel Townsend. Across the span of half a century, Elvira and the other Townsend women performed this balancing act, treading the thin line between the risks and rewards of living on the borderlands of black and white society. Their roles were at times paradoxical: in the time between Samuel Townsend’s death in 1856 and the probation of his will in 1860, the Townsend women were,

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10 *Ibid*.
under the law, both legal heirs and legal property. The position they occupied opened them to danger and insecurity—sexual vulnerability in the private world of the Home Place, legal vulnerability in the more public realm of the courtroom, and finally social vulnerability as individuals who confused racial divisions in the wider population—at the same time they provided opportunities for social and economic advancement. This is the story of Rainey, Winney, Hannah, Celia, Lucy, Emily, Elvira, Caroline, Parthenia, Milcha, Susanna, Elizabeth, Virginia, and the line these Townsend women straddled between the abuse and influence, favor and fear, and privilege and privation that characterized their lives.

**The Archive**

Fragments of the Townsend women’s lives can be pieced together because such pieces were recorded in extraordinary circumstances. It is not extraordinary that an enslaved woman’s name, or at least a tally mark that she existed, would appear on the property inventory of a plantation owner in antebellum Alabama. And though the particular circumstances of Samuel Townsend’s contested will are unusual—the amount of wealth at stake may surprise scholars today, let alone the white elite of the time—legal documents recording examples of mixed-race inheritance from the period can be found from a number of Southern states. The experiences of the enslaved Townsends, as well, certainly shared many commonalities with those of sexually-

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abused women across plantation and state lines. The vulnerability of enslaved women in United States history is no less troubling for being commonplace, but vulnerability in itself is indeed unexceptional. The power dynamics at play in the case of the Townsend women, however, were not so straightforward; the very construction of the archive which holds the last paper pieces of the Townsend women’s lives was itself complex.

Sources about the Townsend family range from the legal files of Samuel Townsend’s attorney S. D. Cabaniss, to the letters of Samuel’s children after their emancipation, to brief citations of documents no longer extant. Only a handful of letters relay to present researchers the thoughts of the Townsend women in their own words—and even these are missives carefully composed by the Townsends for the eyes of their white attorney S. D. Cabaniss, years if not decades after their emancipation. When the Townsend women surface in the archive, it is not to speak for themselves: at best they are spoken for sympathetically by their own children, at worst by a lawyer who can so dispassionately reduce their lives to a line on a property inventory—like “Elvira, $1200.”  

And finally, some of the richest material is simply lost—perhaps intentionally removed by later generations.

In 1940, University of Alabama graduate student Frances Cabaniss Roberts, great-granddaughter of Septimus Cabaniss, used her century-old family papers to write her Master’s thesis, An Experiment in Emancipation of Slaves by an Alabama Planter. Her work sketches a useful outline and timeline of the Townsend children’s lives post-manumission. She frames her argument, however, with the tone of an apologist for slavery, the ultimate conclusion being that the Townsend children were happier and better cared for as slaves—admittedly a not-uncommon  

\[^{15}\text{S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.}\]
supposition on the part of 1930s scholars. After receiving her Master’s degree, Roberts donated an enormous collection of S. D. Cabaniss’s legal files to the University of Alabama Libraries—files which included the case of Samuel Townsend’s will and the hundreds of letters Cabaniss received from the freed Townsend children. But some documents cited in Roberts’s thesis have disappeared—most notably the deposition of a man named Elias Wellborne, which Roberts alludes to as the single most important piece of testimony in establishing the parentage of Samuel Townsend’s children. If the deposition has simply been misplaced or escaped cataloguing, it remains well hidden. But if Frances Roberts’s personal ideology is any indication, she may have intentionally chosen to exclude the deposition from the collection she donated to the W. S. Hoole Special Collections Library. Roberts’s citations suggest that Elias Wellborne spoke frankly about the late Samuel Townsend’s sexual history—he may too have spoken of the less palatable aspects of it. Roberts may have believed a document which allowed a glimpse at the dark side of patterns of intimacy under slavery would better serve the memory of the antebellum South by disappearing. What other documents were pulled from the S. D. Cabaniss Collection are unknown.

Still, even the more disinterested notes of S. D. Cabaniss reveal just how extraordinary the case of Samuel Townsend’s inheritance, and the women it involved, truly was. The lives of the Townsend heirs consumed Cabaniss’s working hours—as a successful young attorney, that

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16 In “Archiving White Memory,” William Fitzhugh Brundage argues that the promotion of public history in the post-Civil War South, particularly Alabama, served to erase black historical agency and “help shore up the legitimacy of white elites after decades of political and economic upheaval” (122). Historians, in some of these cases, used their research to promote a particular public memory of the antebellum South. Brundage, William Fitzhugh. The Southern Past: A Clash of Race and Memory. Cambridge, MA: Harvard University Press, 2005.

may have been the majority of his waking hours too. When Samuel Townsend first employed him in 1853, S. D. Cabaniss had just two years before been made partner in the Huntsville legal firm Brickell and Cabaniss. By 1858, the firm had achieved some reputability in the city; a third partner, the grandson of Huntsville founder LeRoy Pope no less, had joined the lucrative S. D. Cabaniss and Robert Brickell team. In 1858 as well, S. D. Cabaniss chose to leave his profitable practice in order to focus full-time on probating and executing the late Samuel Townsend’s will. Though it is often Cabaniss speaking for the Townsend women, the fact that their lives occupied such a central place in his own life complicates the hierarchy of power involved in the construction of the archive. The Townsend women are known to history in part because a white man itemized and evaluated them as slaves, but also because by their experiences and the circumstances of their lives they exerted their own existence on the archive.

The sources available are rich, but problematic. Ultimately, this means that how the story of the Townsend women is told expands across a spectrum of possibilities—research that can be verified, speculation that can be imagined, and the wide gray expanse in between. Where particulars cannot be known, I have attempted to buttress speculation with generalizations based on the commonalities of plantation life and sexual experiences of enslaved women as a group rather than individuals. And yet, imagination inevitably manifests itself. That I can find these women’s names, birthdates, and children has given me a sense—perhaps a false or misleading one—of knowing them. So much about their lives can never be verified, and any mention of their thoughts, feelings, hopes, and fears is necessarily speculative. But they did live, and they did occupy—by nature of their relationship with a man as difficult to draw a portrait of as them—a limbo between black and white society, vulnerability and opportunity.

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18 Ibid.
The Home Place

Some time in the 1820s, Samuel Townsend, at least two brothers, two sisters, and a small number of slaves migrated from Lunenburg County, Virginia—near the border of North Carolina—to northern Alabama. This trek of nearly six hundred miles brought the Townsend sisters to Jackson County, where they married, and the brothers to Hazelgreen in Madison County, where they quickly began to purchase land for cotton cultivation.\(^{20}\) By 1830, Edmund Townsend had already established himself as a major landowner in the county, owning sixty-three slaves. By 1850, the national census recorded how Edmund’s estate had expanded to include 144 slaves and real estate valued at $60,000.\(^ {21}\) Another brother, Parks, also found success in Madison County. In 1840, Parks was married with four children, three of them sons who would maintain their father’s plantations and oversee the work of his sixty-seven slaves after Parks’s death between 1840 and 1850.\(^{22}\) Samuel Townsend trailed behind. Though he made his first land purchase in 1829, Samuel’s net worth totaled only $25,000 in 1850—though a considerable sum at the time, it was still less than half of the value of his brother Edmund’s property.

But family tragedy increased Samuel Townsend’s fortune. Samuel and Edmund likely inherited either land or money after Parks Townsend’s death in the 1840s; only three years after the 1850 census, Edmund’s net worth had jumped to $500,000.\(^ {23}\) And when Edmund died in

\(^{22}\) Ibid.
\(^{23}\) Roberts, Frances Cabaniss. *An Experiment in Emancipation of Slaves by an Alabama Planter*. Tuscaloosa: University Of Alabama, 1940.
1853, nearly half of his wealth—including two productive cotton plantations—fell to Samuel.  

Due more to luck and family ties than business savvy, Samuel Townsend owned eight plantations in Madison and Jackson Counties, along with nearly 200 slaves, at the time of his own death. When copywriters drafted obituaries and death notices to run in Huntsville newspapers in November 1856, they could justifiably call Samuel Townsend one of the wealthiest planters in Madison County: his estate valued at $200,000.

Alike in their ambitions of building an agricultural empire in Madison County, Edmund and Samuel—bachelors unto death—also seem to have shared a desire for human conquest: both men engaged in sexual relationships with enslaved women on their plantations. In 1832, Edmund Townsend fathered a son, Woodson, born to one of his slaves; and by 1838, Edmund had taken up with a local free woman of color who bore two daughters—Elizabeth and Virginia, or Lizzie and Jinny to their cousins. And Edmund’s three children soon had an immense number of cousins from “Uncle Sam”—Samuel Townsend’s seven sexual partners gave birth to

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24 Even Samuel’s inheritance from Edmund was the result of family tragedy—for Edmund’s two enslaved daughters Lizzie and Jinny. Edmund did not intend for any of his white relatives to inherit, but his nephews successfully voided his will. Although Samuel was not among the Townsends to challenge Edmund’s will, he benefited when the court overturned it.

25 Classifying a large landowner as a planter with a real estate value of over $25,000, in 1850 there were 43 large landowners in Madison County—two of which were Edmund and Samuel Townsend. In the entire state, there were 1,156 such men, making up less than .3 percent of the total Alabama population.


26 The relative number of white masters who engaged in sexual relationships with enslaved women is difficult to determine, but Joshua D. Rothman’s *Notorious in the Neighborhood* and Bernie Jones’s *Fathers of Conscience* both examine the idea that sex across the color line was both prevalent and well-known in local communities. Such relationships were brought into wider public discourse most often in inheritance cases, in which the sexual history of a white man made its way into official legal documents. Anecdotal evidence and social gossip of the period also hint at the frequency of these incidents as well.

27 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.
nine children between 1831 and 1853. Although interracial sexual relationships may have been taboo in theory, in Madison County, at least, the mixed-race character of the Townsend family network would have been well known to the local community. The archive provides a number of examples of how Samuel’s neighbors would learn about his sexual relationships and enslaved children—Samuel’s light-skinned son Wesley was trained as a blacksmith on the Home Place and regularly hired out to other men in the area; and Samuel hired a legal firm to represent two of his sons at a trial for some misdemeanor. Samuel’s enslaved mistresses and children would have intimately know Edmund’s children as well, and had opportunity to see them frequently, as one of Edmund’s plantations in Madison County abutted the Home Place. Wesley and Woodson butted heads, too, after their emancipation in 1860—the animosity of Samuel’s and Edmund’s eldest sons would have been years in the making.

That Samuel’s firstborn, a son named Wesley, was born just two years after Samuel’s first property purchase in Hazelgreen, Alabama suggests that the child’s mother may have been among the few slaves brought by the Townsends from Virginia—her name was Rainey. Wherever she was born—whether in Lunenburg County or Madison—Wesley’s mother Rainey was certainly one of the founding members of the Townsend household, living with Samuel during his earliest years as a cotton planter. Perhaps Samuel Townsend shared his frustrations with Rainey, filling her ear with invectives against his more successful brothers Parks and Edmund; or perhaps he manifested his frustration through violence instead of words, with Rainey the casualty of his anger. She would have personally known Parks’s sons John E. Townsend and

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28 Woodson Townsend to S. D. Cabaniss, letter dated February 16, 1866.
30 S. D. Cabaniss, “Inventory of Debts” owed to Samuel Townsend dated 1858.
31 Samuel C. Townsend to S. D. Cabaniss, letter dated October 29, 1858.
32 Woodson Townsend to S. D. Cabaniss, letter dated February 16, 1866.
Parks, Jr., who would later challenge Samuel Townsend for bequeathing his estate to Rainey’s children; and she would also have been acquainted with Parks’s son Samuel C. Townsend, who would support the rights of Samuel’s enslaved children to inherit. Perhaps John scowled at her when she served him at the dinner table; perhaps his brother Samuel smiled. Still, Rainey probably felt frightened, isolated in a strange state and separated from her older sister Aisley in Jackson County, Alabama. The sexual advances of her master may only have intensified this fear—Wesley’s date of birth places the start of their relationship, at the latest, some time in 1830; Rainey would have only been in her early twenties, probably around 21 according to a later informal census taken by Samuel Townsend’s executors. But then, perhaps Rainey’s young age belied the wisdom and experiences of a much older woman.

Wesley was not her first child—she already had a daughter, Jane, born between 1828 and 1830. In his will, Samuel Townsend described Jane as having a “yellow” complexion, suggesting either that Rainey herself was the product of an interracial union, or had a relationship with a white man before Samuel, while still in her teens. Whichever the case, Rainey would have been intimately familiar with the complexities of sex across the color line; every look at her

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33 Edmund’s son Woodson, at least, attested to Samuel C. Townsend’s compassion for the Townsend heirs—during the probation of Samuel Townsend’s will he swore that Samuel C. Townsend was the only white man he could trust, even above S. D. Cabaniss. Woodson Townsend to S. D. Cabaniss, letter dated February 16, 1866.
34 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.
35 The “Inventory and Appraisement” which lists the ages of the enslaved Townsends in 1858 contradicts Samuel Townsend’s will and other documents in regard to Rainey’s age—the range given would put her between 21 and 29 when she began her sexual relationship with Samuel Townsend. That she continued to have children after 1848 suggests that she was closer to 21 than 29 in 1830.
36 Samuel Townsend, will dated November 1853.
daughter and son, and every day during the six years she spent as Samuel Townsend’s partner, may have sparked memories of her or her own mother’s sexual history. In 1836, however, Rainey gave birth to the last child she would ever have by her master—Samuel’s first daughter, Caroline.\(^{38}\) She would have no further children until 1848. Thus Rainey was still a young woman, around 27 years of age, when Samuel Townsend began his affairs with two other enslaved women: Winney and Hannah.

Shortly after Rainey gave birth to Caroline in 1836, Samuel Townsend sought out a second woman, Winney. Unlike Rainey, who only married more than a decade after her relationship with Samuel ended, Winney already had a husband.\(^{39}\) In 1837, she was pregnant with her first child, Austin, a son born in 1838.\(^{40}\) The young woman—although no records remain of her age or date of birth, Samuel Townsend’s consistency in choosing mistresses in their early- to mid-twenties strongly hints that Winney too was only just out of her teens—may have dreaded the end of her pregnancy. Perhaps she knew that Samuel Townsend’s eye had alighted upon her. She could not have expected much benefit from a relationship with her master, considering what had happened to her predecessor. Rainey was cast aside in 1837 and probably sent to the cotton fields to work: by 1866, the fifty-seven-year-old Rainey, along with

\(^{38}\) S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.

\(^{39}\) In Samuel Townsend’s will, Dick is the only man freed besides Samuel’s and Edmund’s sons. He is in every case described as Hannah’s “husband.” Whether this means that the two were formally married or sexual partners remains ambiguous—but the former seems most likely. Dick was the only man besides Samuel Townsend’s sons to be included the will, despite the fact that almost all of his former mistresses had children by other sexual partners. This suggests that Hannah and Dick may have had a special status: a formal marriage. Or, alternatively, theirs was the only marriage or partnership to survive Samuel Townsend’s sexual advances.

\(^{40}\) S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858 and 1860.
her eldest daughter Jane, only in her mid-thirties, would suffer from debilitating arthritis.\textsuperscript{41} This suggests that her relationship with Samuel Townsend, and the children she gave him, provided no protection from hard labor in the fields.

An enslaved woman vulnerable not only physically but also under the law, Winney had no rights, and no realistic chance of refusing Samuel Townsend without retribution.\textsuperscript{42} Perhaps Winney feared that if Rainey—who had likely been Samuel Townsend’s companion since before Winney was even purchased and brought to the Home Place—could be so easily discarded, a relationship with her master would ultimately lead to more privation than privilege. But Winney had an infant son dependent on her. In her circumscribed world, Samuel Townsend’s house on the Home Place was the seat of power—and in her role as his mistress, Winney was close to it. Perhaps she thought that proximity to Samuel Townsend would lead to future advantages for baby Austin. Perhaps the thought comforted her or gave her the strength to face whatever her own future held. If she had imagined an old age surrounded by the children of herself and her husband, after all, that possible future at least was shattered by her relationship with Samuel Townsend. After Winney gave birth to her last child by Samuel in 1846, she never had any others.\textsuperscript{43} 1837 or 1838, the year of Austin’s birth and the start of Winney’s sexual relationship

\textsuperscript{41} Rainey Townsend to S. D. Cabaniss, letter dated February 26, 1866.
\textsuperscript{42} For information about legal codes regarding enslaved women’s rights (or rather, the total lack thereof) in regard to sexual abuse: Jones, Bernie D. \textit{Fathers of Conscience: Mixed-Race Inheritance in the Antebellum South (Studies in the Legal History of the South)}. Athens, GA: University of Georgia Press, 2009.
\textsuperscript{43} S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
with Samuel, may have been the year that Winney’s husband left the picture.\textsuperscript{44} Winney’s vulnerability had never been greater.

Giving birth to a boy, Willis, for Samuel Townsend in 1839 or 1840, however, likely did not bring Winney any sense of security.\textsuperscript{45} An enslaved twenty-four or twenty-six year old woman named Hannah gave Samuel another son, Thomas, in 1841—meaning that Samuel had abandoned Winney shortly after or possibly even during her pregnancy.\textsuperscript{46} And yet, by the next year Samuel once again returned to Winney, who bore him two more children: a son Osborne in 1843, and a daughter Parthenia in 1845 or 1846. Winney herself never lived to see her sons and daughters freed—or to be manumitted herself along with Samuel Townsend’s other sexual partners. When he penned his first will in September 1853, Samuel Townsend never even included her name, only the parenthetical comment that the mothers of his children be freed, “except one that is dead.”\textsuperscript{47} The casual nature of this offhand insertion into the will suggests something about Samuel’s own character: no longer any use to him, Winney’s name was hardly worth remembering. But perhaps while she lived, Winney dreamed that her relationship with Samuel Townsend might bring social advancement for her children.

The choice of name for her daughter may be a significant clue—Parthenia, or Parthena, was a family name within the wider Townsend clan. One of Samuel’s sisters, Henrietta, named

\begin{footnotes}
\footnoteref{fn:1} In his chapter on sexual violence in \textit{Notorious in the Neighborhood}, Joshua Rothman suggests a number of possible reasons why a slave marriage or partnership could end after the master began a sexual relationship with an enslaved woman. Some possible scenarios include the master selling the woman’s husband away, or the husband himself leaving out of frustration at his own powerlessness.


\footnoteref{fn:2} S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.

\footnoteref{fn:3} \textit{Ibid.}

\footnoteref{fn:4} Samuel Townsend, will dated September 10, 1853.
\end{footnotes}
her second-youngest daughter Parthena. In ten years Henrietta’s Parthena would be one Mrs. Stewart, married but without children—suggesting that at the time of Parthenia’s birth Parthena was at least ten years old, assuming she married around age twenty. Winney may have been acquainted with the young Parthena, christening her own daughter Parthenia in an attempt to tie herself more securely to the white Townsend family. Equally plausible, Samuel Townsend named the infant girl himself, choosing the name of his white niece in overt acknowledgement of his biological relationship to the enslaved child Parthenia. In either case, the name of her daughter may have lit up Winney’s with hope for her children’s future—even as Samuel Townsend bounced back and forth from Hannah, to herself, and to the next in his series of mistresses.

Hannah was born in 1811, the same year as her husband Dick. The two may have grown up together—if they were among the small number of slaves the Townsends brought to Madison County from Virginia. This interpretation seems plausible: Hannah and Dick had their first child together, a daughter named Elvira, in 1836, only seven years after Samuel Townsend made his first land purchase in Madison County and the same year Samuel’s first mistress Rainey gave birth to her daughter Caroline. They probably felt genuine affection for each other—this was a union made by personal choice. Unlike Winney and her husband, Hannah and Dick continued to live and sleep together after she gave birth to her first and only child by

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48 S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
49 Ibid.
51 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
52 Samuel Townsend, will dated September 6, 1856.
Samuel Townsend in 1841.\textsuperscript{53} Dick may have been tortured by the thought of his wife in their master’s bed but, like Hannah, he was powerless to protect her from Samuel Townsend’s advances.\textsuperscript{54} They would have been a part of the Townsend household at least from the mid-1830s—possibly for their entire lives—and so would be familiar with Samuel’s consistent pattern of changing sexual partners during a woman’s pregnancy. When Winney conceived Willis in 1838 or 1839, then, the young couple may have been holding their breath, anticipating and dreading Samuel turning to Hannah next.

Once he did, Hannah’s humiliation may have been the greatest of all Samuel Townsend’s women. She had a loving husband in agonizing over the fact that his wife was carrying another man’s child—a son born in 1841, Thomas, for Samuel Townsend.\textsuperscript{55} Neither could he protect her from the results of their master’s indifference to Hannah after her pregnancy ended. After Thomas’s birth Hannah, like Rainey, would have been sent work in the cotton fields on the Hazelgreen plantation, the Home Place. After Samuel Townsend’s death in 1856, his executor S. D. Cabaniss would place a telling note next to her name in his inventory of Samuel’s personal property: Hannah, age 47, valued at $200, “hand crippled.”\textsuperscript{56} Hannah joined Rainey and Jane as a victim of ravaging rheumatism.

Samuel Townsend’s pattern of callous abandonment during pregnancy continued on the Home Place throughout the decade. While Winney carried and nursed Parthenia in 1846 and

\begin{footnotes}
\item[53] 
\textit{Ibid.} 
\item[54] From Joshua Rothman: “The sexual exploitation of enslaved women not only violated and degraded the women themselves, but also humiliated and emasculated enslaved men and shattered even the pretense that they might shield their loved ones from harm” (139). Rothman, Joshua D. \textit{Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861}. Chapel Hill & London: The University of North Carolina Press (2003). 
\item[55] Samuel Townsend, will dated September 6, 1856. 
\item[56] S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858. 
\end{footnotes}
1847, Samuel began his relationship with the enslaved Celia, who gave birth to a son Joseph Bradford in 1847 or 1848. During Celia’s pregnancy, the planter turned to twenty-five-year-old Lucy, who bore him a daughter named Milcha in 1848. After Milcha’s birth, Samuel Townsend may have found a new woman to satisfy his sexual appetite: Emily, a mother of three whom Samuel purchased and brought to the Home Place in, not surprisingly, 1848. After four years, Emily became the first of Samuel Townsend’s women to give him no children. He returned to Celia, who bore his final child: a daughter, Susanna, in 1853.

Few records remain attesting to the fact that a woman named Celia ever even existed: she appears in all three drafts of Samuel Townsend’s will as the mother of Joseph Bradford and Susanna, but nowhere else. In the final last will and testament of September 1856, mention is further made of “Celia and infant son,” but by 1858—when S. D. Cabaniss began his extensive inventory of Samuel Townsend’s estate and property, including limited biographical information about his slaves—Celia and her child had disappeared. Presumably, both died shortly after Samuel Townsend himself. Celia possibly felt marginalized or ignored during life as well.

While Celia was pregnant with Joseph Bradford in 1847 or 1848, Samuel Townsend discarded her for sexual relationships with two other enslaved women—only to pick back up where he left off with Celia years later in 1852.

The first woman to fill this interlude between the births of Celia’s children was a twenty-five-year-old enslaved woman named Lucy. Unlike Samuel Townsend’s previous four mistresses, Lucy did not already have children before she gave birth to Samuel’s daughter

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57 Samuel Townsend, receipt dated January 1, 1848.
58 This unnamed infant was, presumably, not Samuel Townsend’s son; in Samuel’s wills, he was always listed with the Townsend women and their children by other enslaved men.
59 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
Milcha in 1848. Lucy did, however, come from a relatively large family, and was the eldest of four daughters. Lucy, then, had a support system many of her predecessors did not; and perhaps most importantly, her mother was still alive. In all three versions of his will, Samuel Townsend’s primary objective seemed to be the emancipation and inheritance of “the twelve children”: his five sons, four daughters, two enslaved nieces, and young mistress Elvira. But in addition, he did make provision for the manumission of direct relatives of that privileged dozen: mothers and half-siblings in particular. Presumably, Samuel would have freed all of the living grandmothers of his children as well—it appears, then, that only one survived to 1853. Her name was Rachel.

What evidence remains of their lives and family structure in the legal files of S. D. Cabaniss suggests that Rachel, mother of Lucy, was a pivotal member of the slave community on Samuel Townsend’s plantations. Born in 1797, by the time S. D. Cabaniss began to inventory and appraise the deceased Samuel Townsend’s property, she was at age sixty-one the oldest living person on any of Samuel Townsend’s eight plantations. Such a distinction may have made her the record-keeper of her family: while discrepancies abound in Cabaniss’s records regarding the ages of Samuel Townsend’s slaves, the birth dates of every one of Rachel’s children and grandchildren are entirely consistent. When S. D. Cabaniss and Samuel C. Townsend needed information to hand over to the Probate Court in Madison County in 1858 and 1860, they would have gone to Rachel first—the matriarch of the Home Place with the longest-reaching and most reliable memory, as well as children on more than one of Samuel Townsend’s plantations. In 1864, when Milcha first wrote Cabaniss from her new home in Kansas, she

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60 Samuel Townsend, will dated September 6, 1856.
61 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
referred to herself not as the daughter of Lucy, but as “Richell Townsends Grand daughter”; “I am a fraid you have forgotten me,” she explained, and “that is the reason I told you my name.” Tellingly, Milcha assumed that—even if he had forgotten herself and her mother—Cabaniss would remember Rachel.

Rachel may also have been the spiritual center of the slave community on the Home Place: again, names provide clues. Rachel was a biblical, Old Testament name—Rachel was the favorite wife of the patriarch Jacob and mother of Jacob’s favorite son Joseph. In 1853, Lucy would give birth to a son—not fathered by Samuel Townsend—and name him Joseph. More likely, however, the name refers to the New Testament Joseph: Lucy’s son Joseph was born on Christmas day, 1853. Rachel may also have had a younger sister with a similarly biblical name—Dinah. In the earliest draft of his will, Samuel Townsend planned to free a woman named Dinah; in 1858 S. D. Cabaniss records the name and age of a woman called Dianna, born in 1813. No relation to Rachel is given in either document, but in another of Milcha’s letters the young girl writes that “Grand ma says remember her love to Aunt Dainer’s family,” imploring them to move out to Kansas—this would not be possible unless “Aunt Dainer” were the Dinah freed by Samuel Townsend’s will. Finally, the name Milcha itself had a biblical character—Milka, in Genesis, was the name of the patriarch Abraham’s niece. Rachel’s

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62 Milcha Townsend Caldwell to S. D. Cabaniss, letter dated March 21, 1864
63 Joseph Townsend to S. D. Cabaniss, letter dated February 10, 1875.
64 Samuel Townsend, will dated September 10, 1853.
65 S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
66 Milcha Townsend Caldwell to S. D. Cabaniss, letter dated December 3, 1865.
leadership and knowledge may have allowed her to imbue her daughter Lucy with spiritual
strength as well as the community that a large family provided.\(^{67}\)

Emily, Lucy’s successor in Samuel Townsend’s bed, had absolutely no familial support
system when she arrived at the Home Place. Samuel purchased a woman called Emily on 1
January 1848 for $700;\(^{68}\) because Cabaniss’s inventory and appraisal of the Townsend estate
consistently valued young women in their late teens and early twenties at about $1,000, it is
reasonable to surmise that Emily was at the time of purchase in her mid- to late- twenties.\(^{69}\) This
supposition fits, as well, with Samuel Townsend’s previous pattern of taking mistresses in that
same age range. Like almost all of her predecessors, Emily was already a mother—she had three
children, all boys, aged one or two, five, and eight years in 1848. But none of her children
accompanied her to the Home Place; Emily joined the Townsend household completely alone.
Her anguish is impossible to imagine—certainly, Emily felt no tenderness toward the man who
tore her from her children, including a baby or toddler who may still have been nursing. And
yet, perhaps Emily used her new position shrewdly; researchers with only her name and price on
a receipt cannot know what promises she may have whispered to Samuel Townsend late at night,

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\(^{67}\) In “Reflections on the Black Women’s Role in the Community of Slaves,” Angela Davis
discusses the stereotypical “matriarchate” in African-American slave communities, arguing that
many misperceptions must be debunked. The institution of slavery itself, she writes, strove to
sever all bonds between fellow slaves—in particular the strongest bond of all, blood ties. Except
in the case of Emily and her sons, Samuel Townsend seems not to have attempted to separate
mothers, their children, or their siblings. Rachel’s age and number of children and
grandchildren, then, makes her a plausible family leader among the enslaved Townsends.
Davis, Angela. “Reflections on the Black Women’s Role in the Community of Slaves,” The

\(^{68}\) Samuel Townsend, receipt dated January 1, 1848. Who or where Emily was purchased from is
not known.

\(^{69}\) S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL,
Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6,
1858.
but by 1853 Emily’s three sons had joined her on the Home Place plantation. But Emily never gave Samuel Townsend any children—perhaps not an accident on the part of Emily, who could see and speak to all of Samuel’s previous women, and who gave birth to a fourth son the year after her master had left her for Elvira. Nevertheless, in 1860 Emily’s sons were freed along with the mixed-race children of her predecessors. Tragically, by this date, Emily was already dead.

Emily’s story in particular raises the disturbing idea that Samuel Townsend may have so callously used his sexual partners for more than personal pleasure, a desire for domination, or sexual gratification: perhaps the Alabama planter consciously used his enslaved women for the purpose of child-bearing. The majority of Samuel’s wealth at his time of death, after all, had come as an inheritance from his much more successful brothers Parks and Edmund—who in 1850 owned property worth more than double Samuel’s own estate. Samuel may have seen breeding children as a way to increase the value of his property independent of agricultural or business success; perhaps, as well, the motive was psychological—a sense of inferiority only aggravated by endemic sibling rivalry.

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70 Samuel Townsend, will dated September 10, 1853.
72 Samuel Townsend, will dated September 6, 1856.
74 From Liese Perrin: “Slave women not only understood that their childbearing capacity was seen in terms of producing extra capital, but that they were sufficiently opposed to this function to actually avoid conception. The use of contraception can be seen not only as a form of resistance, but also, more specifically, as a form of strike, since reproduction was an important work role for most slave women.” The Townsend women may have been fully aware of Samuel’s motivations for sexual relationships with his slaves. Perrin, Liese. “Resisting Reproduction: Reconsidering Slave Contraception in the Old South,”
Samuel’s choice of mistresses suggests that he selected his sexual partners based on a family history of fertility. Of the first six women, all but one were mothers before their relationships with Samuel Townsend began; and that one, Lucy, came from a large family, an indication to Samuel that she too would be as prolific as her mother Rachel. Emily may have been purchased in 1848 for the sole purpose of bearing children—and more than that, bearing sons, considering that her first three children had all been boys. Another telling clue to Samuel Townsend’s motivations may lie in the fact that he discarded his mistresses not just during or shortly after pregnancy, but only permanently after the birth of girls. Rainey’s first child by Samuel was a son, Wesley, but he left her for Winney after the birth of his first daughter Caroline; the first children he fathered with Winney and Hannah were also sons, and Samuel remained with Winney through the birth of a second son until she gave him a daughter; after Celia bore him a son, he turned to Lucy, but returned to Celia after Lucy gave birth to a daughter. Finally, when Emily failed to have any children, Samuel Townsend once more fathered a child by Celia, who had already proven herself capable of giving him a boy.

While Edmund Townsend also had children by women on or near his plantation, his sexual history shows less of the conscious calculation of his brother’s. The same year Samuel’s last child was born, 1853, Edmund Townsend died, leaving three mixed-race children of his own. In the 1840s, Edmund Townsend fathered two daughters, Elizabeth and Virginia, born to a local

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75 Unlike in the Caribbean, Southern United States slavery depended on natural increase of slaves, rather than continual direct importation from Africa. Slave fertility was particularly valued in newer regions—west for Virginia and South Carolina, for example. This fits with the Townsend family history: Samuel and his siblings left Virginia for Alabama in the 1820s, before the boom in large Alabama landowners in the 1840s and 1850s. White, Deborah Gray. Ar’n’t I a Woman? Female Slaves in the Plantation South. New York: W. W. Norton & Company, 1999.
Madison County woman.\textsuperscript{76} Notably, their mother was not a slave but rather a free woman of color—indicating that this relationship, at least, was not intended to increase Edmund Townsend’s wealth through property.\textsuperscript{77} Because children’s status as enslaved or free followed the condition of the mother, Elizabeth and Virginia would have been free. Edmund seemed to consider them so: Virginia, nicknamed Jinny, could have been named after Jinny Townsend, one of Edmund’s sisters who may have died during the 1840s.\textsuperscript{78} Perhaps this choice of name was a recognition on Edmund’s part of his relationship to the two girls living with him on his plantation. And in his will, Edmund would make a sharp distinction between the inheritance of his daughters and his eldest child and only son Woodson, a slave.

Woodson was born in 1832, one year after Samuel Townsend’s eldest son Wesley. Woodson’s mother’s name is lost to memory and the archive, but her son’s letters reveal that she lived in Huntsville on one of Edmund Townsend’s plantations, enslaved for her entire life.\textsuperscript{79} Although Woodson was not named as an heir or formally recognized as his child by Edmund—as Elizabeth and Virginia both were—the young man referred to Edmund as “my Father,” and Samuel as “Uncle Sam” in one letter to S. D. Cabaniss.\textsuperscript{80} His mixed-race heritage and unique status is further revealed in Samuel Townsend’s will, which refers to Woodson as “a yellow boy,” and grants him an inheritance as the husband of Samuel’s eldest daughter Caroline.\textsuperscript{81}

Woodson and Caroline would have been first cousins, a borderline incestuous marital

\textsuperscript{76} Samuel Townsend, will dated September 6, 1856. New York: W. W. Norton & Company,

\textsuperscript{77} If Edmund Townsend considered his daughters to be free—and his will indicates that he did—the two girls would not have had any monetary value to be listed on an inventory as, for example, Samuel’s children were.

\textsuperscript{78} S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.

\textsuperscript{79} Woodson Townsend to S. D. Cabaniss, letter dated March 27, 1860.

\textsuperscript{80} Woodson Townsend to S. D. Cabaniss, letter dated February 16, 1866.

\textsuperscript{81} Samuel Townsend, will dated September 6, 1856.
proposition made perhaps at the urging of Samuel Townsend himself, continuing his breeding program into the next generation by choosing a suitably light-skinned husband for his daughter.\textsuperscript{82}

The family tree grew more complicated, and troubling, when Samuel Townsend took seventeen-year-old Elvira as his seventh and final mistress in 1852—after Emily failed to produce children, and during or shortly after Celia gave birth to her daughter Susanna. Elvira was the daughter of Samuel Townsend’s third mistress Hannah, and thus the half-sister of his twelve-year-old son Thomas. And as if the waters were not murky enough, Woodson—at the time married to Caroline—may have been romantically involved with Elvira while she shared Samuel Townsend’s bed: another vaguely incestuous situation itself. Like Emily, Elvira had no children with Samuel Townsend over the course of their three-year relationship; but only three months after her master’s death in 1856 Elvira conceived a child with Woodson. Caroline, after three years of nominal marriage to her cousin, had not, another indication that perhaps their union had not been made by choice—and that Elvira may have learned from Emily how to avoid an unwanted pregnancy during Elvira’s own three years with Samuel Townsend.\textsuperscript{83}

By 1856, Samuel and Edmund Townsend had constructed and left behind a household haunted by the ghosts of abandonment, humiliation, and perhaps sexual abuse. Samuel never married, and none of his liaisons with any of his seven mistresses lasted longer than six years—in fact, the time between the abandonment of one woman for another increasingly shrank between 1830 and 1856. The Alabama planter separated Emily from her three children, ended Winney’s first marriage, and at least temporarily split up Dick and Hannah—mortifying the

\textsuperscript{82} Hunter, Margaret L. “If You’re Light You’re All Right: Skin Color as Social Capital for Women of Color,” \textit{Gender and Society}, Vol. 16 (April 2002).
\textsuperscript{83} S. D. Cabaniss and Samuel C. Townsend to F. L. Hammond and Madison County, AL, Probate Court, “Inventory and Appraisement” of Samuel Townsend Estate dated February 6, 1858.
couple a decade later when he began his affair with their daughter Elvira. Hannah and Elvira, mother and daughter, may both have been in love with other men, they and their chosen partners powerless against Samuel Townsend. And yet, the Townsend women may nevertheless have found ways to use their proximity to their master as a source of limited influence—their opportunity came in 1853, with the death of Edmund Townsend.

The Courtroom

Though sex across the color line was often tolerated as an open secret in the antebellum South, Edmund Townsend shocked his white relatives by attempting to legitimate two of his mixed-race children in the courtroom. In his will, Edmund attempted to leave the bulk of his $500,000 fortune to his teenaged daughters Elizabeth and Virginia. The children of a woman the girls described as a “free mulatto,” Elizabeth and Virginia should have been legally free themselves, and as such able to inherit under Alabama law. But Edmund’s white relatives—nieces and nephews, the children of his living sister Henrietta, deceased sister Jinny, and deceased brother Parks—thought otherwise, petitioning the will on the grounds that they were actually slaves. Elizabeth’s and Virginia’s mother seems to have either died or left Madison County, as the girls could not prove their free status in court. Neither could the late Edmund Townsend, in no position to speak for himself, testify on their behalf. But the specific provisions of Edmund’s will suggest that he may have anticipated just such a protest while he lived. Although Woodson was his only son, his eldest child, and in 1853 twenty-one years old and so legally of age, Edmund left nothing of his estate to the young man—

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neither did Edmund make arrangements for the manumission of his son. Woodson was the child of an enslaved woman: any attempt to grant him a bequest would certainly have caused controversy. By leaving Woodson out of the will, Edmund may have hoped to keep the girls’ case as strong as possible. Still, in spite of this effort to protect his daughters’ interests, the white petitioners successfully voided Edmund Townsend’s last will and testament. The ruling of the Madison County Probate Court in 1853 plunged Elizabeth and Virginia into slavery—a condition they had seen firsthand living on their father’s plantation, but had never experienced themselves. Edmund Townsend, after all, had raised Lizzie and Jinny as free children.87

The failure of Edmund Townsend’s daughters to inherit sparked his brother Samuel into action to protect his own children after his death. Ironically, the fact that Edmund’s $500,000 estate did not fall into Elizabeth and Virginia’s hands increased Samuel Townsend’s own personal wealth—as joint executor of Edmund’s will, along with their nephew John E. Townsend, Samuel ultimately inherited half of his brother’s fortune after debts were paid off. By 1856, Samuel Townsend’s wealth had multiplied by a factor of eight: he was now worth $200,000, and one of the richest men in the county. There is no evidence to suggest, however, that Samuel himself opposed the probation of his brother’s will in hopes of enriching himself. When Samuel Townsend began to draft his first will in September 1853, he confided to S. D. Cabaniss that he “had no doubt that some of his kin would try to break his will and that he

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87 As S. D. Cabaniss no doubt warned Samuel as he wrote his will, Alabama law did not allow for slaves to be manumitted and remain in the state. Thus whatever Edmund personally considered Lizzie and Jinny to be, and however he treated them individually, their status as free women of color in Madison County rested on shaky legal ground.

expected that John E Townsend would lead in it.”

Testifying before the Probate Court in 1860, S. D. Cabaniss recalled that first conversation with Samuel Townsend: “He did manifest much unsurety about his will,” Cabaniss remarked, “mainly by the absence of sympathy on the part of many of his heirs towards said Edmund’s mulatto children … [Samuel] had a great dread of his children becoming the slaves of some of his relations.”

John, son of Parks Townsend and so the first cousin of Elizabeth, Virginia, and all of Samuel’s nine children, seems to have been the man the Alabama planter most feared. Accordingly, by 1854 Samuel Townsend had expunged his nephew John from his will entirely—once more imploring S. D. Cabaniss to keep its contents secret, wary of his white nephews.

“The dominating aspect of his will,” Cabaniss testified, “was to emancipate twelve slaves mentioned in his will … to give them the bulk of his estate, [and] to guard as well as he could against their being fooled out of it before they could be taught to manage and take care of it.”

Cabaniss further explained that while Samuel Townsend had never told him directly that any of those twelve were his children, it was apparent from “the tenor of his conversation and the manner in which he spoke of them that he believed nine of the twelve to be his children”—the remaining three being Edmund’s daughters Elizabeth and Virginia, and Samuel’s final mistress, Elvira. Samuel Townsend, who used and discarded seven women so casually over the years,

88 S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
89 Ibid.
90 Ibid.
91 Ibid.
92 Ibid.

Samuel Townsend never intended for his children, their mothers, and their siblings to remain on the Home Place or his other plantations in Madison County. His will left instructions for S. D. Cabaniss to sell all of his property and use the money to set the children up on a farm in a Northern state—after he decided not to move them to Liberia, that is.

S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
nevertheless seems to have cared for his children—perhaps even loved them. He certainly took great pains to ensure they inherit his now much-enlarged estate. And maybe out of a sense of duty to his dead brother Edmund, Samuel instructed Cabaniss to purchase Elizabeth and Virginia away from John E. Townsend—who had inherited them as part of his half of Edmund Townsend’s estate. Even before he had the two girls living at the Home Place with their cousins in 1856, Samuel Townsend wrote them tentatively into his first two wills as equal heirs beside his own children.  

Neither Samuel Townsend nor S. D. Cabaniss were, however, radical race crusaders. In later years, Cabaniss may have held a position as an intelligence officer in the Confederate army; in 1858, after Samuel’s death, he expressed supreme contempt for “Garrisonites” and other abolitionists. Samuel Townsend himself likely held to the widespread notion that white and black people could never live together in a free society. In the three versions of his will written between September 1853 and September 1856, Samuel Townsend expressed the wish that his children and their families be emancipated not in any of the free states of America, but be removed to the colony of Liberia. Only in a hastily-added codicil to the final will, written almost exactly one month before Samuel Townsend’s death, did he reverse himself and state that he wanted the children moved to a free state, at S. D. Cabaniss’s discretion.

This codicil would be the cause of much of the controversy over Samuel’s will. That it was added later, and witnessed by different individuals than those who signed their names to his final will, gave Samuel Townsend’s white heirs-at-law ammunition for their petition. They

93 Samuel Townsend, will dated November, 1854.
95 William D. Chadwick to S. D. Cabaniss, letter dated 1858.
96 Samuel Townsend, will dated September 6, 1856.
97 Ibid.
argued, significantly, that Samuel was unduly “influenced on the part of the persons mentioned in his will”—a veiled reference to his children, his nieces, and most especially Elvira. 98 Perhaps Elvira had been party to the secret discussions with S. D. Cabaniss about her and the household’s future; and perhaps the protests of Samuel’s white relatives had some merit. Elvira may indeed have been the one to change the dying planter’s mind—as his housekeeper, the young woman may have cared for Samuel Townsend more solicitously than usual, dropping a comment here or there that she would miss her people and her country if shipped off to a foreign continent. 99 In September 1853, Samuel Townsend allotted Elvira an extra $5,000 in his will—beyond her share in the equal division of his property between his children, nieces, and herself; Cabaniss, perhaps anticipating the undue influence protest, may have persuaded Samuel to remove that particular provision in later drafts of his will. 100 But in October 1856, Elvira saw another opportunity as her master moved closer and closer to death—perhaps she played on his emotions, his affection for his children, and somehow, some time convinced Samuel Townsend to make a drastic alteration to his will. Thinking all the while of a future as a free woman, free from slavery and free to marry Woodson, Elvira may have soothed him when he woke coughing in the night, wiping the cold sweat from his forehead. And how could Samuel resist the ministrations of a beautiful woman who was his last and youngest mistress, and who could have been his daughter? Elvira had already proven herself quite capable of exerting influence on the content of Samuel Townsend’s will.

98 F. L. Hammond and Madison County, AL, Probate Court, Notes on the Petition against the Will of Samuel Townsend, dated 1857.
99 Alternatively, Samuel Townsend was influenced by S. D. Cabaniss or changed his mind independently. Emigration to Liberia had already sharply decreased after the initial wave of black emigrants in the period between 1820 to 1843. Shick, Tom W. “A quantitative analysis of Liberian colonization from 1820 to 1843 with special reference to mortality,” The Journal of African History, Vol. 12 (1971).
100 Samuel Townsend, will dated September 6, 1856.
In 1853, Samuel determined that his will, unlike his brother Edmund’s, would not be broken—hiring S. D. Cabaniss to plan for every contingency so that his will. The first will, dated September 1853, reads like a muddled letter, with cross-outs and additions squeezed in the margins—this one, Samuel Townsend probably wrote before his first secret meeting with the lawyer Cabaniss. The second will, written November 1854, much more clearly betrays the hand of Samuel’s new attorney: legal terms have been inserted and this new draft apportions a salary and some property to Samuel C. Townsend, John’s brother, named as Samuel Townsend’s executor. But the third and final will is the most conservative of them all: a much greater portion of the estate is given to his white nephew Samuel C. Townsend, along with a large annual salary for the promotion of his interests during the probation of the will. Samuel Townsend and S. D. Cabaniss may have intended these changes—particularly the distribution of money to his nephew—to forestall Samuel’s white relatives petitioning the will. At the very least, Samuel hoped to buy a staunch ally in the young man who might have been his namesake: Samuel C. Townsend.

That Samuel Townsend had any familial support for the inheritance rights of his enslaved children and mistresses is in itself surprising. Not only was an immense sum of money at stake, but the family name and reputation. Samuel Townsend’s sexual relationships with seven enslaved women on his plantation could not have been a complete secret—but neither was it a scandal when confined to the Home Place and gossiping Madison County neighbors. Tacit toleration turned to scandal with official public acknowledgement: in the world of the

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101 Samuel Townsend, will dated September 10, 1853.
102 Samuel Townsend, will dated November 1854.
103 Samuel Townsend, will dated September 6, 1856.
courtroom. Preserving reputation after Samuel Townsend’s unsavory sexual history entered the public record would only have been possible if his last will and testament could be invalidated. If the his white relatives could prove that Samuel had been out of his right mind or influenced by a shameless Jezebel, they could avoid a lingering stigma attaching itself for the Townsend name.

As Samuel Townsend had expected, after his death in 1856 his white relatives challenged the validity of the will—the heirs-at-law led, in an ironic twist, not by John E. Townsend but by four nieces: Mary Steely, Parthena Stewart, Kezziah Rye, and Elizabeth Huston. Much like Elvira and her family did, Mary, Parthena, and their sisters saw Samuel Townsend’s estate as the solution to their particular vulnerability as women. Three months before Samuel died, his sister Henrietta passed away—leaving her property almost entirely to her sons, with her four daughters receiving nothing. After failing to break their mother’s will, the daughters of Henrietta Johnson, née Townsend, turned to their uncle’s fortune as a potential inheritance. With the support of their cousin John, no doubt resentful of his brother Samuel and feeling the sting of being left out of his uncle’s will, the four women spearheaded the assault on the last will and testament of Samuel Townsend.

This challenge to Samuel Townsend’s promise of freedom, money, and legitimacy would have come as no surprise either to the Townsend women of color. Elizabeth and Virginia could well remember the anxiety of the controversy surrounding their own father’s will—as well as the heartbreak following the court’s judgment that they were, despite a life of acknowledgement by their father as “free mulattos,” to be slaves after all. Perhaps Lizzie and Jinny were the cynics of

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105 S. D. Cabaniss to F. L. Hammond and Madison County, AL, Probate Court, Deposition of S. D. Cabaniss regarding the Samuel Townsend Estate, undated.
the Townsend household—unwilling to raise their hopes again and rolling their eyes at the
naiveté of their cousins who trusted in S. D. Cabaniss. Their brother Woodson may have ranted
his frustration over dashed hopes and his personal disenfranchisement to his wife Caroline—or
more likely, his lover Elvira. Elvira was plausibly the central source of information for the
potential Townsend heirs. She would have learned a great deal about the workings of the legal
system during her three years at Samuel Townsend’s side from 1853 to 1856; and the petitioners
against his will singled her out as more than a passive witness to the legal process, painting her
as a powerful temptress even as she remained a vulnerable enslaved girl.106

When in 1858 the Madison County Probate Court gave its final ruling—that the last will
and testament of Samuel Townsend, deceased, was indeed valid and legitimate—it opened the
way for the emancipation and inheritance of his children, their mothers, and his previous
mistresses. In doing so, the case served to confuse the strict divisions of gendered and racial
power in the ideal antebellum Southern society. Samuel Townsend’s heirs had been powerless
under the law of his master’s desires during his life, and under Alabama law after his death—but
their existence was tolerated by the white community so long as they occupied socially
acceptable roles. Public acknowledgement of enslaved mistresses and mixed-race children
through the court system challenged traditional institutions, and struck fear into the white branch
of the Townsend family tree.

Rainey, Winney, Hannah, Celia, Lucy, Emily, and Elvira—as well as their children,
siblings, nieces, and cousins—lived on the border of acute vulnerability enslaved women, and
limited influence as the individuals closest to the seat of white power and status on the Home

106 Jones, Bernie D. Fathers of Conscience: Mixed-Race Inheritance in the Antebellum South
Perhaps is the word that must have filled their minds—perhaps they could benefit from a relationship with their master; perhaps it would end soon; perhaps he cared for their children; perhaps they would have a better life because of it; perhaps they would inherit; perhaps they would, someday, be free. But so many details remain unknown: the archive wherein the brief mentions of these women’s lives reside conceals at the same time it reveals fragments of their stories. None of Samuel Townsend’s enslaved women ever wrote about him, or at least not in the guarded letters they sent to their attorney S. D. Cabaniss. And if they spoke about him amongst themselves, or to their children, their voices and words elude the researcher confined to the penciled notes of a Huntsville lawyer’s case files. But what does remain, dry as it may be—numbers, prices, birth dates, and ages—reveals that both in the private realm of the bedroom and the public sphere of the antebellum slaveholding society, these seven women were vulnerable: physically, sexually, and legally. This much, at least, is certain.


Fuentes, Marisa J. “Power and Historical Figuring: Rachel Pringle Polgreen’s Troubled Archive.” Gender & History, Vol. 22 No. 3 (November 2010).
Appendix: The Townsends

Samuel Townsend

1830 to 1838 = Rainey (b. 1801/1809)
- Jane (b. 1828/1830)
- Wesley (b. 1831)
- Caroline (b. 1836/1838)
- Mildred Ann (b. 1848)
- Freeman (b. 1852/1853)
- Samuel (b. July 1860)

1838 to 1840, 1842 to 1846 = Winney (b. n/a)
- Austin (b. 1837/1838/1839)
- Willis (b. 1839/1840)
- Osborne (b. 1843/1844)
- Parthenia (b. 1845/1846)

1840 to 1841 = Hannah (b. 1809/1811)
- Elvira (b. 1836)
- Thomas (b. 1841)
- Malinda (b. 1848)
- John Armstrong (b. 1853)

1846 to 1847, 1851 to 1853 = Celia (b. n/a)
- Joseph Bradford (b. 1847-1848)
- Susanna (b. 1852/1853)
- unnamed infant (d. 1856)

1847 = Lucy (b. 1847/1848)
- Milcha (b. 1848)
- Warner (b. 1852)
- Joseph (b. 25 December 1853)
- Albert Milton (b. 1858)
- Harrington (b. 1859+)

1848 to 1851 = Emily (b. n/a)
- Martin (b. 1839/1840)
- Henry (b. 1842/1843)
- Sylvanus (b. 1846/1847)
- Amos (b. 1853)

1853 to 1856 = Elvira (b. 1836)
- Elizabeth (b. 10 October 1857)
- Sarah (b. October 1867)
Edmund Townsend

= Unknown Enslaved Woman
  - Armstrong (b. 1830)
  - Woodson (b. 1832)

= Unknown “Free Mulatto”
  - Elizabeth (b. 1839/1842)
  - Virginia (b. 1842/1844)

Parks Townsend

= Mrs. Parks Townsend
  - John E. Townsend
  - Samuel C. Townsend
  - Parks S. Townsend, Jr.

Henrietta Townsend-Johnson

- Robert Johnson
- Michael Johnson
- Mary Steely
- Kezziah Rye
- Parthena Stewart
- Elizabeth Huston

Jinny Townsend

- Thomas Townsend

*Blue text indicates a child of Samuel Townsend*
*Red text indicates a child of Edmund Townsend*
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All primary sources are housed at the W.S. Hoole Special Collections Library at the University of Alabama, S. D. Cabaniss Papers.

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